IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Ap	oplication of:)	
		:	Examiner: L. Nguyen
KAZUI	HIRO MATSUBAYASHI)	
	7	:	Group Art Unit: 2174
Applica	tion No.: 10/726,709)	
		:	Confirmation No. 7048
Filed: I	December 4, 2003)	
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For:	SWITCHING DISPLAY OF)	
	DIGITAL BROADCAST DATA	:	
	IN A MARKUP LANGUAGE)	January 14, 2009
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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-145

PETITION TO WITHDRAW ABANDONMENT DUE TO NON-RECEIPT OF OFFICE ACTION AND REQUEST FOR RE-MAILING OF OFFICE ACTION

Sir:

Applicant has received a Notice of Abandonment dated November 14, 2008 indicating that the above application became abandoned because no response has been filed to an Office Action allegedly mailed by the Patent Office on April 21, 2008. For the reasons that follow, Applicant requests that the Notice of Abandonment be withdrawn and that the Office Action be re-mailed.

The Notice indicates that an Office Action was mailed by the Office on April 21, 2008. However, the foregoing Office Action was not received by Applicant's attorneys. As per Applicant's attorneys usual firm procedure for Patent Office correspondence in which a response is due, had the Office Action been received, it would

have been docketed on the firm's Master Docket computer program with a response due date of July 21, 2008, as well as in the firm's Master Docket book with a six month final due date of October 21, 2008. The firm's Master Docket computer program is part of a computer program supplied by Computer Patent Annuities (CPA) and in particular, the firm utilizes CPA's CPA Inprotech program to manage its docket of due dates for Patent Office responses. This system was sufficiently reliable, and as evidence thereof, a copy of a printout for Applicant's attorneys' Master Docket program for July 21, 2008, where a three-month response to the Office Action would have been entered had the Office Action been received, is attached herewith. See MPEP 711.03(c)(I)(A). Also attached is a photocopy of the firm's Master Docket book for October 21, 2008 where the six month final due date would have been entered for the April 21, 2008 Office Action if it would have been received.

In view of the foregoing, Applicant requests that the holding of abandonment be withdrawn and that the April 21, 2008 Office Action be re-mailed. While it is believed that no fee is necessary for this Petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa,

California office by telephone at (714) 540-8700. All correspondence should continue to
be directed to our address given below.

Respectfully submitted,

/Edward Kmett/

Edward A. Kmett Attorney for Applicant Registration No.: 42,746

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New York, New York 10112-3800
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